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Letter dated 15 June 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire, adopted on 30 July 2004 at Accra, and to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29), and also to my previous letters to the President of the Security Council transmitting the reports of the Tripartite Monitoring Group established under the Accra III Agreement.

Please find attached the thirteenth and fourteenth reports of the Tripartite Monitoring Group, covering the periods from 1 March to 8 April and from 15 April to 31 May 2005 respectively (see annexes).

I should be grateful if you would arrange for this letter and its annexes to be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex I

[Original: English]

Implementation of the Accra III Agreement

Thirteenth report of the Tripartite Monitoring Group

Covering the period from 1 March to 8 April 2005

I. Introduction

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which established the Tripartite Monitoring Group and requested it to submit regular reports on the situation in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement. This Thirteenth Report covers major developments between 1 March and 8 April 2005. The coverage extends beyond the normal two weeks to the period after the Pretoria negotiations initiated by the African Union mediator, President Thabo Mbeki.

II. Overview

2. In spite of the relative calm following the attack on a Forces Nouvelles checkpoint position in the western town of Logouale on 28 February 2005, the security situation remains fragile, with occasional reports of activities of militias particularly in the West of the country.

3. The incident in Logouale has prompted the Forces Nouvelles to strengthen their positions along the zone of confidence, and around their headquarters in Bouake. Furthermore, in a letter addressed to UNOCI leadership and to President Mbeki, the Forces Nouvelles leadership deplored the reaction of the international community who, according to them, were slow in condemning the attack. They, therefore, requested an international inquiry to determine responsibility in this new violation of the ceasefire. Consequently, on 3 March 2005, a delegation of the Monitoring Committee traveled to Logouale to assess the situation on the spot. The Committee expressed its deep concern over the incursions by armed groups from the Government controlled zone trespassing the zone of confidence under the control of the impartial forces. They strongly condemned the attack. During a press conference held after the visit, UNOCI's Force Commander, General Fall, announced that ONUCI forces had handed 85 of the 87

arrested assailants to the Police Commissioner in Guiglo for appropriate judicial proceedings to be undertaken against them. The remaining two were minors who were handed over to ICRC and UNICEF.

4. On 8 March 2005, President Gbagbo made a one-day trip to Nigeria to visit President Olusegun Obasanjo in order to discuss the situation in Côte d'Ivoire. Discussions focused on the ongoing mediation mission of President Mbeki. President Gbagbo also complained to President Obasanjo about the recent decisions taken by the Forces Nouvelles which were, according to him, reinforcing the division of the country. These related to the establishment of a Police Academy, a Customs school, banks and an Insurance company in Bouake. A similar consultative visit was made to Abuja by ex-President Henri Konan Bedie, from 21st to 23rd March, on President Obasanjo's invitation in furtherance of the mediation efforts of the African Union.

5. Groups of "Young Patriots" launched a series of demonstrations in Guiglo, Duekoue, San Pedro and other towns in the West to demand the departure of the French Licorne forces. In order to avoid a resumption of hostilities in Abidjan, the Council of Ministers, at its meeting of 10 March 2005, extended the current ban on public demonstrations in Abidjan to June 2005. In response, the "Young Patriots" decided to organise their demonstrations outside Abidjan.

6. The European Union (EU) Commissioner for Co-operation and Development, Mr. Louis Michel, arrived on 19 March 2005 for a brief two-day visit in Côte d'Ivoire. During his visit, Mr. Michel had discussions with President Laurent Gbagbo, the President of the National Assembly, Mamadou Koulibaly, the Prime Minister Seydou Diarra, as well as the G7. The European Commissioner also met the leadership of the Forces Nouvelles. He conveyed the message of the European Union to continue suspending their aid as long as there was no progress reported over the peace process.

III. Developments in the peace process

Legislative reforms

7. On 3 March 2005, a communiqué was issued by the Presidency to put an end to the debate over the speculated "political vacuum" if elections did not take place in October 2005. In the communiqué, President Gbagbo reaffirmed that "Disarmament – Reunification – Free and Transparent Elections" was the only way to follow in order to

maintain and respect the constitutional legality in consonance with the Linas-Marcoussis Agreement. In the communiqué, it was also stated that the disarmament of the Forces Nouvelles should be an immediate priority and remained the sole condition for the restoration of peace in Côte d'Ivoire. Concerning the functioning of the Independent Electoral Commission, the President recalled that the Law No 2004-624 promulgated on 14 December 2004 should be applied and that the holding of the presidential elections in October 2005 should be considered as an urgent matter. Referring to a possible vacuum if elections were not held in October 2005, President Gbagbo made it clear that he would remain in office in accordance with the provisions of Articles 38 and 39 of the Constitution until an elected successor emerged.

8. A delegation of the Mouvance Parlementaire pour la Réconciliation et la Paix – a cross-party caucus in the National Assembly - met on 10 March 2005 with the Acting Special Representative of the UN Secretary-General to express its serious concerns on the security situation, especially in the West of the country. They underscored threats which they felt also weighed on the opposition leaders and asked for the protection of UNOCI. They also insisted on the application of the sanctions envisaged under Security Council Resolution 1572 against all who obstructed the peace process. They also requested that UN be involved in the organization of the elections in October 2005 in order to ensure their credibility and acceptance. UNOCI took note of their presentations and promised to convey them to New York. This same request had been made by Prime Minister Seydou Diarra during his consultations with President Mbeki in South Africa on 4 March 2005, as well as by Alassane Ouattara of RDR and Alphonse Djédjé Mady on behalf of the G7 Coalition of opposition political parties.

9. Following the request by the Monitoring Committee to revise all legislative texts which were not in conformity with the letter and the spirit of the Linas-Marcoussis Agreement, the Speaker of the National Assembly addressed his response to the Monitoring Committee. He stated that all the legislative texts, which had been recently promulgated, had been "adopted in strict conformity with the Constitution of Côte d'Ivoire, which vests the National Assembly "only" with the capacity to vote laws and the Deputies the right of amendment. He pointed that the rules of the Assembly require any review of the legislation to be carried out within a time limit before the promulgation, at the request of a requisite number of Deputies or the President of the Republic. He, however, promised to lay the matter before the Deputies.

Electoral process

10. In preparation for the forthcoming elections, the Government of National Reconciliation has set up an Inter-ministerial Committee to study and propose feasible conditions for identification and the establishment of electoral lists. This Committee comprises four Ministers representing the major political forces, namely Finance and Economy (FPI), Territorial Administration (FN), Justice (RDR) and Economic Infrastructure (PDCI). Three other Ministers will serve as advisors to this Committee, namely Security, Defence and Planning.

DDR

11. The events of 28 February 2005 have unfortunately adversely affected any progress made since January 2005 through the efforts of the joint UNOCI - South Africa mediation and the Prime Minister's mission in Bouake. In February 2005, officials of UNOCI and the CNDDR along with the South African mediation mission negotiated access to DDR sites in the Forces Nouvelles controlled areas and also with the aim of restoring dialogue with the Forces Nouvelles on the DDR process. A team composed of South African senior military advisors, the Chairman of the CNDDR and the Chief of the DDR division in UNOCI visited all DDR sites in Forces Nouvelles-controlled areas of Bouake, Korhogo, Man, Seguela and Bouna. In each zone, the delegation visited the military cantonment, and disarmament and demobilisation facilities. These visits also allowed the delegation to have discussions with FN Zone Commanders and to assess their willingness to implement the DDR process. Discussions mostly focused on security issues, rehabilitation work and relevant political considerations. FN commanders stated that FN might be willing to regroup their troops as soon as the two military protagonists reach a political compromise. They also agreed with CNDDR that rehabilitation work should commence. However, their main concern remained with the issue of security of the DDR sites and the zone of confidence. Forces Nouvelles requested that impartial forces secure the demobilisation sites during the DDR process for fear of possible attacks against them during the demobilisation phase. During the discussions, it appeared clearly that there was concurrence of views between the FN commanders and the political leadership. Commanders insisted on the necessary concomitance between the start-up of DDR and political and legislative reforms.

The Mbeki Facilitation mission

12. In reviewing President Mbeki's mediation mission, several matters of concern were emerging: the persistent refusal of the Forces Nouvelles to begin disarmament; the absence of agreement among political factions over the composition of the Independent Electoral Commission; the non-functioning of the Government; the thorny and controversial issue of the amendment to Article 35 of the Constitution. All these unresolved issues constituted serious threats to the current peace process and the mediation.

13. President Mbeki's envoys arrived on Sunday 13 March 2005 to undertake various levels of consultations. The delegation was led by the Minister of Defence Mr. Lekota, accompanied by Ambassador Gwadiso, South African Ambassador to Cote d'Ivoire, Advocate Mojanku Gumbi, Legal Advisor to the President, Mr. S.S. Sokupa, Assistant Director General of the South African Presidency and two legal experts, Judge Pascal Barandagiye, Judge of the Constitutional Court of Burundi, Mr. Idi Tuzinde Gaparayi, Legal officer of the UN War Crimes Tribunal at the Hague. There was a meeting with the Monitoring Committee to discuss the review of the legislative texts undertaken by the two legal experts. A copy of the text of their report, submitted to President Mbeki, was handed over to the Monitoring Committee. The Committee found their recommendations for review generally in accord with their own. This report was also handed over to the President, the Speaker of the National Assembly and the Prime Minister.

14. On the mediation process, Minister Lekota stated that there had been a slowdown due to several persisting grievances, complicated by the events of 28 February 2005. There was clearly emerging a sense of disappointment at the lack of political willingness on the part of the Ivorian political actors to move steadily in good faith towards resolving the crisis. President Mbeki and his team were, nonetheless, determined to persevere and exert the outmost influence on whomsoever to advance the peace process. They had in mind those issues which ought to be addressed in the process leading to the holding of the Presidential elections in October 2005.

15. The Mbeki mission recognised the difficulties in mobilising the Government of National Reconciliation to its normal functioning. These hinged primarily on the return of the Forces Nouvelles Ministers and on the proposals to provide close protection to guarantee their security. On DDR, they recognised that the DDR, beyond the initial

visits to the cantonment sites, needed the CNDDR's drawing up an accelerated programme of visits and other operational plans including the restructuring of the Armed Forces to give assurances of a safety net for the ex-combatants who would qualify to be reintegrated in a restructured National Armed Forces. Unfortunately, these tentative understandings appeared to have been jeopardized by the events of 28 February. President Mbeki had been requested to submit a report on the status of his current negotiations to assist the UN Security Council in its consultations over the impending renewal of the mandate of UNOCI. The Council deliberated on this matter on 28 March and 4 April 2005. The Council decided, in its resolution 1594 (2005), a review of progress in the Mbeki mediation, to renew the mandate for one month, until 4 May 2005. Subsequently, he is to submit a monthly report to the Chairperson of the African Union. These reports would invariably be shared with the UN Secretary-General and the Chairperson of ECOWAS.

16. At the instance of President Mbeki, talks aimed at relaunching the peace process in Côte d'Ivoire were held in Pretoria from 3 to 6 April. President Gbagbo (FPI), Prime Minister Seydou Diarra, ex President Bedie (PDCI), ex Prime Minister Alassane Ouattara (RDR) and Guillaume Soro (Forces Nouvelles) were invited, each with a delegation of four persons.

17. The formal letter of invitation was exhortatory. It summed up areas of agreement among the protagonists and set out several of the core issues to be addressed at the negotiations, namely Nationality; article 35, eligibility to the office of the President of the Republic; elections of October 2005 – free, fair and open to all. Underlying any progress, President Mbeki emphasized, was the factor of mutual confidence and trust, the lack of which currently "bedevilled' relations among the parties.

18. The 18-point Pretoria Agreement provided a wide canvass of broad political understandings on which to delineate the details of commitment for implementing the Mbeki Road Map of 6 December 2004. A symbolic and significant political declaration of the end of the war was made. Broad measures were spelled out for addressing the thorny issues of militias. DDR, return of the FN Ministers to the Government, the reconstitution of the Independent Electoral Commission and the Constitutional Council, the organization of the elections and the reconstitution of the management of the Ivorian Radio and Television (RTI). However, the all important and controversial issue of article 35 was not resolved in Pretoria. As reported, in the face of divergent positions, President Mbeki was entrusted with a mandate to hold consultations with the

Chairperson of the African Union and with the Secretary-General of the UN to come up with a compromise proposal.

Humanitarian situation

19. On a different matter, the Chairman of the AU has appointed a Special Envoy on the question of protecting civilian populations in situations of armed conflicts with the mandate to formulate and conclude on behalf of the AU a draft agreement on the protection of civilian populations in situations of armed conflicts. This agreement is to be seen as a form of Code of Conduct which essentially relies for its enforcement on moral sanctions and not on any formal structure of familiar political or economic sanctions. It should address the persisting and increasing failure to protect civilian life in times of conflict, especially the vulnerable populations such as women, children, the aged and the handicapped. The essence of this AU initiative is to put in place a strategy and process to ensure that such commitment is secured concretely by the signature and the military or armed protagonists to the text of the Agreement or Protocol. This Protocol was the subject of consultations by the Special Envoy, Mme Mame Madior Boye during her visit to Côte d'Ivoire. She had discussions with all the major political forces and the Monitoring Committee.

20. The Logouale incident and other ethnic tensions in the West have resulted in the displacement of thousands of people. It has been reported that some 15,000 people have fled their homes in the zone of confidence, on the axis of Bangolo-Guehebly-Fengolo towards Duekoue. There have also been reports of a series of clashes in the villages of Fengolo, Toa, Zeo and Diahouin close to the town of Duekoue. Many of these villages have been deserted after being attacked and burned down.

21. The death of 13 villagers who were allegedly tortured by forest guards during their detention in a prison in Bouafle, north of Yamoussoukro, has been reported. These villagers had been accused of trespassing and illegally occupying the Marahoue National Park. UNOCI has sent a mission of inquiry to establish the circumstances that led to these deaths. The mission has called on the government to investigate the death of these villagers.

22. According to a report by NGO Human Rights Watch, the Government of Côte d'Ivoire has recently recruited demobilised combatants in Liberia including children under the age of 18 to fight alongside with pro-government militias which are based in

the western towns of Guiglo, Blolequin and Toulepleu. According to this report, Liberian ex-combatants had been recruited in October 2004 just prior to the Ivorian government offensive against the rebel-held north of the country and recently in the beginning of March 2005 in anticipation of future attacks on rebel-held positions. Some of them are also said to have participated in the attack on a rebel position in Logouale on 28 February 2005 along with MILOCI (a pro-government militia). Most of them originate from the south-eastern counties of Grand Gedeh, River Gee and Maryland which border government controlled areas of Côte d'Ivoire. These ex-combatants who had been disarmed and demobilised in 2004 in Liberia, had subsequently signed up for education and skills training programmes supervised by the Liberian DDR programme. Unfortunately due to severe shortfalls in this programme, only a few training programmes had opened up. As regards the demobilised child combatants who had not been able to re-unite with their families or communities, some of them remained with their former commanders and were subsequently recruited to join militias to fight in Côte d'Ivoire. These threats to peace and security come from both sides, as there have also been reports of recruitment of disarmed Liberian adults by the Forces Nouvelles since August 2004.

IV. Conclusion

23. All Ivorian parties and international observers concerned agreed on the crucial importance of the meeting in Pretoria which was seen as the last chance for the early return of peace. The Pretoria Agreement of 6 April 2005 must be seen as a major political effort to renew dialogue and give a fresh impetus to the peace process. For several reasons, there are anxious expectations of the outcome of President Mbeki's consultations over article 35. The role of the UN (UNOCI) has to be fully clarified and the feasibility of the increased tasks placed on UNOCI should be critically assessed and authorized by the Security Council.

24. Notwithstanding the ray of hope emitted by the Pretoria Accord, it ought to be noted that the elections of October 2005 are only six months away. Immense and delicate tasks are yet to be accomplished. To this end, it is imperative that all parties concerned continue to make coordinated efforts to ensure that the progress made is not lost and the anticipated elections in October do not prove to be a fleeting illusion.

25. In this important regard, the principal actors in the Ivorian political drama must be urged to face up to their primary obligations to their country and its suffering population, show good faith and support unreservedly President Mbeki's impressive and dedicated mediation efforts.

(*Signed on behalf of the Group*) Ambassador Raph **Uwechue**
Chairman
8 April 2005

Annex II

[Original: English]

Implementation of the Accra III Agreement

Fourteenth report of the Tripartite Monitoring Group

Covering the period from 15 April to 31 May 2005

I. Introduction

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which established the Tripartite Monitoring Group and requested it to submit regular reports on the situation in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement, now extended into the recent Pretoria Accord. This Fourteenth Report covers major developments between 15 April and 31 May 2005. The extended coverage was necessitated by the unavoidable absence of the tripartite team variously on missions outside Côte d'Ivoire at different times during the period.

II. Overview

2. The general security situation was relatively calm throughout the country except in the West, particularly in and around Duekoue, Danane, Guiglo and Man where there were reports of ethnic tensions as well as grave abuses of human rights. In Abidjan, the situation has been relatively calm but insecure due to the rising level of criminality.

3. Immediately after the publication of the Pretoria Agreement, all sides of the political spectrum in Côte d'Ivoire welcomed it and underscored the critical importance of implementing the agreement in good faith. President Gbagbo spoke about the prospects for peace, with emphasis on disarmament, leading to reunification and the creation of conditions conducive to the holding of elections in October 2005. The Forces Nouvelles cautioned, however, that DDR should be implemented in tandem with safeguarding the overall security and effecting the agreed political and legislative reforms. Meanwhile, all registered political groups, except the Forces Nouvelles, were engaged in activities mobilising their constituents or supporters in readiness for the impending electoral campaign. All things being equal, the enthusiasm for the electioneering should be a good

indicator of the political will of the Ivorian leaders to resolve the issues in the peace process which will conduce to the holding of the elections in October 2005.

III. Developments in the peace process

The Mbeki Facilitation Mission

4. Following the Pretoria Agreement of 6 April 2005 broadly accepted by all the stakeholders, President Mbeki was entrusted with a mandate to consult the Chairperson of the African Union and the Secretary-General of the UN in order to come up with a compromise proposal on the unresolved issue of Article 35 (eligibility to the Presidency). At the end of his consultations, he addressed a letter dated 11 April 2005 to the parties to the Pretoria Agreement in which he ruled that nominees of the political forces signatories to the Linas-Marcoussis Agreement could stand as candidates in the forthcoming October 2005 presidential elections. He, therefore, called on President Gbagbo to use the exceptional powers conferred on him by Article 48 of the Constitution to facilitate this determination. (A signed copy of the letter is attached).

5. President Gbagbo decided to organise a series of consultations to plebiscite the views of a cross-section of identified groups on the matter, ranging from Youth and Women's associations; trade unions; religious and spiritual leaders; traditional chiefs and elders; farmers and agricultural workers; presidents and vice-presidents of Conseils generaux; mayors and vice-mayors; prefects; heads of State institutions and their bureaus; and representatives of the National Defence and Security Forces. Immediately following these consultations, on 26 April 2005, President Gbagbo addressed the Nation. In his Address, he indicated that as of that day (Tuesday 26 April 2005), he would use the exceptional powers conferred on him by Article 48 of the Constitution until the crisis was resolved. He, therefore, announced four initial measures: firstly, candidates nominated by the political forces signatories to the Linas-Marcoussis Agreement were eligible to run for the forthcoming presidential elections in October 2005; secondly, he indicated that this authorization was restricted only to the October 2005 presidential elections and hence that Mr. Ouattara was free to stand if he so wished. Thirdly, he designated the National Institute of Statistics (INS) as the 'sole agency" to compile the electoral lists for the elections of 2005 and to issue

voters' cards. Fourthly, he ordered the Independent Electoral Commission (IEC), constitutionally in charge of the organization of the elections, to take all the necessary measures to allow any political parties to verify the validity of the electoral lists at their convenience.

6. All major political parties generally welcomed President Gbagbo's decision to accept President Mbeki's ruling. The FPI was delighted to note that the use of Article 48 excluded any modification of the Constitution. The opposition parties described the statement, as a "step forward in the restoration of peace". However, they had some reservations about the authority and duties allocated to the National Institute of Statistics (INS). They questioned the neutrality of an institution whose head was known to have close political ties with the President. They also observed that the INS had not been allocated the requisite resources to accomplish such a mandate. The question was also raised as to what would be the role of the United Nations which, in the terms of the Pretoria Agreement, was to be involved in the work of the IEC and the Constitutional Council, as well as in the organisation of the general elections.

7. On the Constitutional powers conferred on President Gbagbo by Article 48 of the Constitution, the opposition parties observed that according to the Mediator's letter, President Gbagbo was to use this article only to give a legal basis to the eligibility of candidatures for the October 2005 elections. They contended that all the other measures taken by the President were designed "to allow him to control the electoral process and remain in power." In the light of the foregoing, Mr. Bedie and Mr. Ouattara subsequently sent a petition dated 20 May 2005 requesting President Mbeki to give his ruling on the matter. Earlier, in another letter to the UN Secretary General, they and the leaders of UDPCI and MFA had requested the UN to take full charge of the electoral process and the organisation of the elections in order to ensure their integrity and credibility.

Disarmament and Dismantling of Militias

8. In the Pretoria Agreement, responsibility for the disarming and dismantling of all militias throughout the national territory was placed under the Prime Minister of the Government of National Reconciliation. To this effect, certain Defence and Security forces (FDS) would be selected by the President of Côte d'Ivoire and placed at the disposal of the Prime Minister. They would be

supported by UNOCI. The likely role envisaged for the UN peacekeeping force would be to: (i) provide assistance to units of Defence and Security forces of Côte d'Ivoire in the collection, storage and destruction of unserviceable weapons, ammunition and explosives; (ii) provide a sense of security to disarmed militias by means of area domination patrols in the areas of settlement.

9. Work on this exercise has been proceeding at various levels. There would be an initial exercise of sensitisation of the militias. The Chief of Staff of FANCI, placed in charge, has been in consultations with the identified militias with a view to agreeing an operational plan for their demobilisation and dismantling. The Prime Minister attaches urgency to this task since it has become a pre-condition for guaranteeing the security of Ministers, prospective Presidential candidates and generally cleansing the environment of the threats to the peace process.

Disarmament, Demobilisation and Reintegration Process

10. The DDR now constitutes an engrossing agenda of business in the peace process. Parties to the Agreement have undertaken to work out modalities for the implementation of the National Disarmament, Demobilisation and Reintegration Programme (PNDDR). The role envisaged for the impartial forces is as follows: (i) Ensure the Security of groups moving towards DDR zones (a total of eleven such zones earlier identified); (ii) Ensure the safety and security of DDR zones including provision of armed escorts; (iii) Assist in the collection, storage and further disposal of deposited arms, ammunition and explosives; (iv) Ensure the impermeability of the Zone of Confidence (ZOC); (v) Organise mixed patrolling along with FANCI and FAFN elements to promote confidence-building and a sense of security; (vi) Provide assistance for the reintegration of some MEFN in the restructured National Armed Forces.

(i) Security of the Forces Nouvelles Members of the Government of National Reconciliation

11. The protection of Forces Nouvelles members of the Government is already being carried out by UNOCI to some extent. A plan proposed by the AU Mediator and agreed by the parties signatory to the Pretoria Agreement is based on training courses conducted in South Africa in which a number of ex-FANCI and ex-MEFN are involved. This plan would not be completed before July 2005. Within this

period of time, the strength of SBS might need to be increased as the full complement of Forces Nouvelles Ministers return to Government.

(ii) Security of Areas under control of the Forces Nouvelles during the DDR process

12. The parties, signatories to the Pretoria Agreement, admitted the need to guarantee the security of people and assets in the North. In terms of the Agreement, six hundred military elements from FAFN are to be recruited, trained and subsequently deployed in areas assisted by the Civilian Police component of UNOCI. The training of these elements as security auxiliaries during the DDR process is a revival of a proposal which was to have started as far back as 15 September 2004 and was aimed at providing public order training over a period of 45 days. The training sessions were to be organised jointly between the FAFN, the FDS and the Civilian Police component of UNOCI. As was agreed at the various preparatory meetings prior to September 2004, the 600 FN auxiliaries were to be selected in accordance with the national recruitment criteria for the Police and Gendarmerie. However, the FN insisted that the FN auxiliaries be reintegrated into either the National Police or Gendarmerie after the completion of their police training while the FDS contended that the auxiliaries would have to apply to the Police and Gendarmerie Academies and would be subject to the same yearly quotas as the regular candidates. Both sides argued that the future status of the FN security auxiliaries would have to be resolved by the Prime Minister. It was also agreed that Civpol would assist in the selection and the vetting procedures of the FAFN security auxiliary candidates, in cooperation with the Human Rights section of UNOCI, by investigating the war-time conduct, financial dealings and/or factional activities of the candidates. Pending the full commitment of the parties, it is envisaged that this selection and vetting process would take three months.

13. Previously, it had been agreed among the parties that the FDS would mentor the FN security assisted by UNOCI CivPol, through their mixed patrols in the North during and after the DDR process. Such patrols would have constituted some sort of a catalyst for the redeployment of the State administration to the North. However, the events of last November put the plans on hold. Consequently, it is essential to secure a political agreement and a strong commitment from all parties to guarantee full success in the implementation of the revived proposal.

14. On 20 April 2005, a meeting was held between CNDDR, UNOCI CivPol and the South African mediation team in Abidjan to discuss the following issues: i) the creation of a Coordination Committee on the Training of 600 individuals from FAFN in accordance with Paragraph 6 of the Pretoria Agreement; and ii) the identification of trainers from the Ivorian Defence and Security Forces (FDS). The parties agreed to establish a Coordination Committee (*Comité de Coordination et d'Encadrement de la Formation* - CCEF) which would be chaired by UNOCI CivPol which was also tasked to draft the terms of reference of the Committee. The first CCEF meeting took place on 26 April 2005.

(iii) Bouake meeting on DDR

15. As provided in the Pretoria Agreement, a meeting between the belligerent armed forces was convened in Bouake from 14 to 16 April 2005. Present at this first meeting were the Prime Minister along with various ministers from all the major parties, the two Chiefs of Staff of FANCI and FAFN, the Chairman of the CNDDR and the envoys of President Mbeki with their military and police advisors. Also present were UNOCI's Principal Deputy SRSG, the UNOCI Force Commander, the Civpol Commissioner, the Chief of the DDR Section of UNOCI and the Licorne Force Commander. This first meeting enabled the two belligerent forces to resume dialogue in order to set a date for the start-up of the DDR process. In the final communiqué issued following the second meeting on 16 April, the two belligerent forces agreed on the following issues : (i) the resumption of discussions and activities between both forces; (ii) the organisation of a joint national seminar in Yamoussoukro from 2 to 6 May 2005 to elaborate and validate the National DDR Programme including the restructuring of the National Armed Forces (as originally called for in the Linas-Marcoussis Agreement); (iii) the commencement of the DDR process on 14 May to end on 31 July 2005 as proposed by the CNDDR; (iv) the resumption of the meetings of the Quadripartite Commission (FDS, FAFN, UNOCI, LICORNE). On the issue of the start-up of the DDR process, it was decided that the final time-frame should be determined at the end of the Yamoussoukro seminar.

(iv) Meeting of the Quadripartite Commission

16. On 19 April 2005, the Quadripartite Commission convened in Daoukro to discuss the modalities for the withdrawal of heavy weapons along the frontline

scheduled to start on 21 April 2005. The meeting agreed on the following points: i) the definition of heavy weapons; ii) the identification of regrouping points, and; iii) the timetable and modalities for the withdrawal of such weapons. The parties defined heavy weapons as direct fire weapons of a caliber superior or equal to 20 mm and indirect fire weapons of a caliber superior or equal to 60 mm. Anti-tank weapons, RPG7 and LRAC 89 mm, are not included in this definition. A total of 15 regrouping points have been identified in government-controlled and Forces Nouvelles controlled zones. The ex-belligerent forces agreed to start the withdrawal of heavy weapons along the frontline as from 21 April 2005 up to 24 April 2005. The impartial forces were to lead quadripartite commissions that would undertake control missions in each zone from 25 to 28 April 2005 and on 30 April 2005. A meeting of the Quadripartite Commission was to be convened to evaluate the progress made on the withdrawal of the heavy weapons.

(v) Forces Nouvelles Workshop on DDR

17. In preparation for the national Seminar on DDR in Yamoussoukro from 2 to 5 May 2005, the Forces Nouvelles organised their own internal workshop aimed at defining their position on some of the pending issues such as the restructuring of the army. The workshop (22 to 25 April) was chaired by the FN Secretary General, Mr. Guillaume Soro, with the participation of most of the FN military zone commanders. From the discussions, indications were given that FN were ready to embark on the DDR process and confirmed their commitment to the Joint Operational Plan which had been agreed and signed by the two belligerent forces in January 2004. The main issue under contention, though, related to the reintegration of the former military deserters who formed the FN core group after the failed coup of September 2002. They would like to negotiate a clear reintegration plan which would include a decision on reintegration, readjustment of grade and payment of salary arrears since September 2002. In addition, they requested discussions on the structure of the future national Armed Forces particularly in terms of numbers and regional/ethnic balance. In this regard, they suggested the establishment of a Special Commission on the restructuring of the Armed Forces which should complete its work before the elections. Some FN senior officials also suggested that because of their perception of the lack of confidence in the implementation of the Pretoria Agreement as well as the environment in which the elections would take place, disarmament could only take place after the elections, when the Armed Forces are reunified.

(vi) Yamoussoukro Seminar on DDR

18. Following the meeting held in Bouaké, FDS and FAFN discussed the implementation of the DDR programme at a seminar in Yamoussoukro from 3 to 7 May 2005. The Prime Minister accompanied by the Special Representative of the UN Secretary General and the Special Advisor of President Mbeki opened the meeting. The Seminar was aimed at approving the main components of the DDR programme, including aspects such as the restructuring of the defence forces, the DDR budget and the flowchart of implementation. The CNDDR facilitated the meeting with the participation of the South African mediation, UNOCI and Licorne. In general, all matters pertaining to the Joint Operation Plan approved in January 2004 were endorsed. These include disarmament, demobilization, and social reintegration of ex-combatants and communities affected by the conflict.

19. In another commission meeting dedicated to the restructuring of the defence forces, the following conclusions were reached:

- An audit pertaining to the FDS as well as FAFN would be conducted between 16 May and 16 June 2005;
- A Special Committee tasked with the restructuring of the Defence Forces will have to submit its recommendations by 23 May 2005;
- Transitional measures accompanying the establishment of the restructured defence forces were to be in place as from 19 September 2005.

20. There were also discussions on budget and financing of the programme. FDS and FAFN agreed on the general program timeframes for each specific activity. However, they failed to agree on a starting date. FDS insisted on the necessity to have a launching date for the process while FAFN merely wanted a chronogram, since in their view it was premature at this stage to have a beginning date while preparatory ground work was not completed. This issue was vehemently debated with the South Africa mediation having been called upon to intervene. FDS refused to formally sign the document pertaining to the discussions as long as a date for the start-up of the process had not been agreed. It was then agreed that a launching date would be further discussed and fixed at another meeting on 13 May 2005.

21. The FN explained their position further at a meeting convened by UNOCI before the final session of the Seminar. DDR must be coherent in line with the measures agreed in Yamoussoukro; it must be implemented in a secure environment, outside any military pressure. It should render the belligerents incapable of prosecuting further conflict, hence allowing the political process to proceed unhindered. The process must be irreversible, implying that all envisaged resources for implementation should be available at the outset; the FN refuse to be put under pressure as regards deadlines, since they contend that DDR should be de-linked from the electoral process.

22. On 14 May 2005, a reconvened Yamoussoukro Seminar saw the signing by the Chiefs of Staff of the FDS and the FAFN of an agreement to commence DDR on 27 June 2005 with a detailed timeframe for all phases of the DDR which were to be implemented from June through August 2005. Surprisingly, however, on 18 May in Bouake, later statements from the Chef of Cabinet of the Secretary General of the Forces Nouvelles suggested that the dates were all mere proposals yet to be reviewed by the FN. The position of the FN on DDR was restated as predicated on several conditions: the dismantling of the militias; guarantees over the availability of sufficient funding for the entire DDR process; the review of all the legal texts by the National Assembly as stipulated in the Pretoria Agreement, in particular those of the IEC, the Nationality Code, the identification of citizens, the financing of political parties, the legal regime of audio-visual communication. Needless to say that this statement has cast a shadow over the implementation of the DDR, considered to be critical and a trigger to a movement forward in the peace process. It is expected that some suasive pressure will be applied on all sides to respect the final agreement signed on 14 May 2005 in Yamoussoukro.

(vii) UNOCI Coordination meeting with partners on DDR

23. Coordination meetings have been convened periodically since 21 April 2005 at UNOCI HQ between representatives of UNDP, WFP, ICRC, IOM, and UNFPA. Also attending the meetings were two donor agencies Japan and France, representatives of Licorne and UNOCI Force, and other UNOCI components such as HIV/AIDS, Gender and the Joint Logistic Operation Centre. It may be recalled that the coordination meeting was instituted as a forum to enhance information sharing as well as develop a UN integrated support and strategic planning to respond to the Government's leading role in implementing the DDR programme.

24. At the meeting of 21 April 2005, participants were briefed on the state of discussions to advance the DDR process following the Bouake meetings. Most of the participants expressed concerns about the short timeframe proposed by the CNDDR to complete the DDR process. They also raised concerns on the financing of the entire process. It was pointed out that some funds had already been secured to finance the immediate start-up of the DDR - a portion of the safety net package (French funds through UNDP – 1 million Euros) and a part of the Japanese funds are already being used to rehabilitate some of the DDR sites in the FN controlled area. However, it was expected that as soon as the DDR process commenced, the international community would be more willing to provide additional funds for the DDR programme. The UNFPA representative pointed out that after the November 2004 events, the European Union had put on hold the funds allocated to their sensitisation and voluntary HIV/AIDS test programme. However, they were now renewing negotiations to have the funds released. The WFP representative indicated its willingness to provide food support during the DDR process. Given that some UN agencies were already providing food support, the country representative requested the overall logistic plan in order to identify potential gaps, which would allow further discussions with the CNDDR. Both Licorne and UNOCI military officers raised the issue of troops availability for the DDR process due to the fact that they were already overstretched. They underscored the need for troop reinforcements to provide full support to the DDR process in terms of Security Council Resolution 1528. The representative of the ICRC indicated that some 273 child ex-combatants had been demobilized in Bouake since 2004. ICRC is mainly working on family tracing as well as assisting UNICEF in its child soldiers programme.

(viii) Conference on Small Arms and Light Weapons

25. At the request of the Prime Minister, the UNDP Post-Conflict Unit in collaboration with the DDR Section of UNOCI, organised a conference on Small Arms and Light Weapons (SALW) from 17 to 20 May 2005 in Grand Bassam. The outputs of this conference were:

- Formulation and adoption of a pilot Programme on SALW reduction and control,
- Formulation and adoption of the institutional framework of the National Commission on SALW,
- Formulation and adoption of series of legal documents on SALW control.

Electoral process

26. In order to ensure that free, fair and transparent elections are held, the parties signatories to the Pretoria Agreement agreed to invite the UN to participate in the work of the Independent Electoral Commission and the Constitutional Council. However, consultations are still taking place to determine the extent of UN's involvement in the organization of these elections, the supervisory role of the UN through the appointment of the prospective UN High Representative for Elections in the Independent Electoral Commission, and in the Constitutional Council. (Attached is a letter dated 23 May 2005 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council). An Electoral Assessment Mission has been in Côte d'Ivoire since 21 May to provide the requisite assessment of the situation.

Review of selected legislative texts by the National Assembly

27. The Council of Ministers, at its meeting on 21 April 2005, discussed seven legislative texts to be reviewed by the National Assembly, as well as two decrees relating to the restructuring of the National Radio and Television (RTI). Information received indicated that there were some divergent views in the Council over the mode of reviewing these laws. The matter has had to be referred to President Mbeki for a ruling. Meanwhile, several sessions of the Council had been scheduled to continue with the discussions on these matters. When completed, the texts of legislation were scheduled to be sent by the President to the National Assembly for its consideration. So far only two texts of legislation have been sent to the National Assembly for consideration. These relate to the composition of the Independent Electoral Commission and the public funding of political parties.

28. The first Ordinary Session of the National Assembly opened on 27 April 2005. The debate on some of the adopted legislative texts referred to in the Pretoria Agreement did not figure on the agenda. This was due to the lateness in transmitting the texts to the National Assembly. It is now reported that the Assembly would consider the two texts so far received. Others would be examined as and when received.

Human Rights

29. It is to be noted that the text of legislation on the National Human Rights Commission which is subject to review was not among the texts considered by the Council of Ministers on 21 April 2005. The fate of this text is yet to be determined.

Humanitarian Assistance, Economic Recovery and Reconstruction

30. The protracted political crisis in Côte d'Ivoire has left the country partitioned into three separate parts, beset with specific challenges. However, a common denominator for the humanitarian community is the protection of civilians in this conflict. While the government-held area continues to be the breadbasket of the country and still provides some economic opportunities despite a severe recession, impunity in large measure seems to have taken root. In the Forces Nouvelles-controlled areas, there is a complete absence of State authority. Despite feeble attempts to organize themselves, however, there is no rule of law and no opportunity for citizens to seek justice. The Zone of Confidence is in a state of lawlessness where there is a legal and administrative void and inhabitants have to face violations of human rights with no recourse to justice. The West of the country (both Government-controlled and FN-controlled areas) is facing a spiral of violence and growing communal conflicts, which in some measure are de-linked from the overall political crisis – as some of the contentious issues predate the political divide centered around the eligibility to run in presidential elections – such as land tenure, competition over resources and heightened ethnic divisions. Needless to say that the proximity of the Liberian border with cross-border movement of arms and armed personnel, reports of recruitment of children, refugees among others, remains a serious challenge to the humanitarian community working in that area.

31. The combination of all these elements creates an unstable and volatile situation, in particular in the West, and constitutes in some instances a hindrance to the work of humanitarian agencies and partners and a threat to the peace process. Meanwhile, women and children bear the brunt of the crisis in many ways, thus calling for innovative approaches to relieve their distress and suffering.

32. However, the Pretoria Agreement provides a ray of hope that once the peace process is back on track, it can open a window of opportunity for the humanitarian and development community to continue their advocacy role and take concrete relief action on critical issues in the field:

a) Access to social services: Education and health

33. Since the political and military upheaval in November 2004, advocacy efforts to ensure that the Government ensures the return of civil servants to run schools and health centers in the FN-controlled areas have failed. With the Pretoria Agreement, it is an opportune time to resume and strengthen advocacy efforts. School exams marking the end of last year's school year have not been organized leaving over 70,000 children in limbo. Meanwhile, the "Comité de sauvetage pour l'école" has been struggling to ensure that schools are functioning in the North, but are faced with huge obstacles such as the lack of qualified teachers, administrative support and very low enrolment levels. As far as health centers are concerned, according to UNICEF, 202 centers have been rehabilitated and equipped out of 229, however many are not functioning for lack of qualified staff.

34. Following calls for the reactivation of Government efforts to resume the redeployment of the administration supported by various development and humanitarian partners, President Gbagbo launched recently consultations in the context of his decision to be committed to the "logique de la réconciliation nationale". Relevant Ministers, representatives of UNOCI and various development and humanitarian agencies are locked in discussions to address these dimensions of the Ivorian crisis.

b) Provision of clean water

35. It is clear that the water supply and treatment system is showing serious strains, and could completely collapse should timely action not be taken. Gradually, many towns and villages, which were regularly supplied with water, are facing serious shortages or complete breakdowns bringing in its wake a host of diseases linked to a lack of clean and potable water. Some towns are more severely affected such as Korhogo, Bouna, Odienne in the North or Guiglo and Man in the West or neighborhoods in Abidjan such as Yopougon and Anyama.

Obsolete equipment, lack of regular maintenance and spare parts and huge cost of investments, in particular in the North, are challenges for the private sector, government and the humanitarian community. There are some encouraging reports that the Forces Nouvelles have agreed to start paying for the consumption of water, thereby allowing for partial cost recovery. It is important to urge donors to ensure appropriate funding of projects to avoid the collapse of the water system, recognizing also the solid work of the ICRC, UNICEF and the EU in this area.

c) Zone of Confidence

36. The Zone of Confidence, manned by UNOCI and Licorne peacekeepers, has not lived up to its name and has become an area, where lawlessness prevails, due to the absence of the police, administrative and judicial systems. Furthermore, the Quadripartite security cell in Bangolo dismantled last year when the Forces Nouvelles pulled out of the Government of National Reconciliation, has left a huge security void. This situation poses several problems to the humanitarian community in terms of access, which is sometimes denied because of lack of security; inter-ethnic tensions are exacerbated leading to attacks and counter-attacks and more importantly when alleged criminals are apprehended it is unclear to whom they should be handed over. As it stands today alleged criminals are released or turned over to authorities with little follow-up from the judicial system, and likewise in the FN areas.

d) Protection

37. Civilians bear the brunt of the crisis and this is demonstrated in the displacement of populations as a result of attacks by unidentified armed men, recruitments into armed groups are being undertaken whether in Abidjan or in the western region or in the FAFN areas, preying on youth and children. Impunity is truly taking root. While the displaced are clamoring to return to their areas of origin, political and electoral manipulation are making their return practically impossible. It is important to initiate reconciliation efforts, grounded in civil society, women and youth groups, to rebuild trust and confidence in and between communities.

e) Regional implications

38. Various reports confirm the involvement of certain neighbouring countries in the Ivorian conflict, which could have a detrimental impact on the peace process, such as import of arms, movement of armed personnel, training in neighboring countries, providing safe havens for some, etc...Therefore, it is imperative to establish an effective system to collect information on what occurs along the borders and within neighbouring countries, and provide a strengthened mandate for greater collaboration and action among the sub-regional peacekeeping operations in Sierra Leone, Liberia, Guinea Bissau and Côte d'Ivoire.

f) Funding of Humanitarian activities

39. The aggressive advocacy for humanitarian funding is paying off. As of now, resources have effectively been mobilized, in CAP, US $ 7.9 million, i.e. 20% of the 39 millions requested (UNICEF: USD 1million, HCR; USD 6,4 million, OCHA: USD 500,000). Besides, WFP got US $ 9.5 million (outside the CAP), from their regional funding mechanism. But overall humanitarian funding remains low and there is an urgent need for increased funding of humanitarian programmes, which should be perceived as critical in supporting the consolidation of the peace process.

IV. Conclusion

40. There are clearly now optimistic perspectives over the peace process in accordance with President Mbeki's Road Map. These perspectives must necessarily be hedged in caution given the nature of such processes. Indeed, some concerns already appear to emerge from the uncertainties in the run-up to the start of the DDR and the divergent views on the revision of certain laws such as those on IEC and Nationality. The electioneering campaign already launched may divert attention from critical issues of the Agreement which demand resolution. It is advisable for the Security Council to focus on putting in place the additional reinforcements and resources needed to enable UN meet its various levels of increased responsibilities in the Ivorian peace process. Beyond the military and other related logistical men and material, there should be decisive action to

establish, as a matter of urgency, UN's new electoral validation mission (the UN High Representative for Elections and Electoral Assistance in the organisation of the elections). Expectedly, there has been the outpouring of relief over the prospects for peace generated by the Pretoria Agreement but the international community must sustain its pressure on all the Ivorian political actors to abide in good faith by their professed commitment. The DDR process is now a watershed in the entire peace momentum. Its progress or otherwise will determine the fate of the hope raised by the Pretoria Agreement. As such, all hands must now be put firmly on deck to ensure that it does not falter.

(*Signed on behalf of the Group*) Ambassador Raph **Uwechue**
Chairman
31 May 2005

Enclosure

[Original: English]

Letter dated 11 April 2005 from the President of South Africa addressed to the President of Côte d'Ivoire

As you are aware, and by agreement with all the Ivorian parties, the AU Mediation on Côte d'Ivoire has been carrying out its work within the framework provided by the Linas-Marcoussis and Accra Agreements.

Chapter III of the Annex to the Linas-Marcoussis Agreement deals with the issue of Eligibility to the Presidency of the Republic. It contains a text approved by all the signatories to the Agreement, which would amend Article 35 of the Constitution of Côte d'Ivoire.

The Ivorian parties and the Mediation are therefore duty bound to ensure that the intention of the text agreed at Linas-Marcoussis is realised, which essentially seeks to respect the principle of inclusivity with regard to the important issue of eligibility to the Presidency.

As on previous occasions since the Linas-Marcoussis Agreement was concluded, during our 3-6 April meeting in South Africa it proved difficult for the Ivorian parties to reach agreement about the steps that should be taken to give effect to the Linas-Marcoussis Agreement concerning Article 35.

For this reason, given the urgent necessity to resolve this matter, as well as the need to honour the commitment made by the signatories of the Linas-Marcoussis Agreement, it has been agreed that the AU Mediator should make a determination on this matter, and act expeditiously to finalise it.

The specific agreement in this regard is contained in Paragraph 14 of the April 6, 2005 Pretoria Agreement on the Peace Process in Côte d'Ivoire.

As indicated in this Paragraph, I have consulted both the Chairperson of the African Union, H.E. President Olusegun Obasanjo, and the Secretary General of the United Nations, H.E. Kofi Annan.

They both support the decision reflected in Paragraph 14 and agree that to solve the crisis in Côte d'Ivoire, it is vitally important to respect the substance of the Article 35 constitutional amendment contained in the Linas-Marcoussis Agreement.

They also agree that it is necessary to resolve this matter expeditiously, to enable the peace process to advance speedily and allow for the holding of the Presidential Elections in October 2005.

Consistent with the approach immanent in the Linas-Marcoussis and Accra Agreements, the Mediator is fully conscious of the need to respect the Constitution of Côte d'Ivoire, bearing in mind the adaptations that have to be made to provide for the implementation of the Linas-Marcoussis and Accra Agreements.

In this regard, the Mediator is fully aware of the requirements concerning constitutional amendments affecting the Presidency, as contained in Article 126 of the Constitution of Côte d'Ivoire.

However, the Mediator believes that it is critically important that due consideration should be taken of the prescription contained in Article 127 of the same Constitution, which prohibits any action that might undermine the integrity of the territory of Côte d'Ivoire.

It is a matter of common cause that currently Côte d'Ivoire is divided into two parts that are under the control of different administrations, which undeniably undermines the integrity of the territory.

With reference to Article 48 of the Constitution of Côte d'Ivoire, it is obvious that the integrity of the territory of Côte d'Ivoire is threatened in a serious and immediate manner, and the regular functioning of the constitutional authorities has been interrupted.

As Mediator, and having listened carefully to all the presentations made by the leaders of Côte d'Ivoire, I had to take into account all the constitutional and other matters mentioned above as I considered my determination with regard to Article 35.

In terms of the mandate given to the Mediator in Paragraph 14 of the Pretoria Agreement, I, as Mediator, hereby determine that with reference to the 2005 Presidential Elections, the Constitutional Council should accept the eligibility of the candidates who might be presented by the Political Parties that signed the Linas-Marcoussis Agreement.

However, it is also important that we should respect the rule of law as we give effect to this determination. In this regard, we should not oblige the Constitutional Council to act in an illegal manner. The authorities of Côte d'Ivoire will therefore have to take the necessary steps to give legal force to the Mediator's determination regarding Article 35.

The Mediator therefore requests H.E. President Laurent Gbagbo to use the powers granted to the President in terms of the Constitution of Côte d'Ivoire, in particular Article 48, to give the necessary legal force to the determination stated above.

Article 48 refers to the execution by Côte d'Ivoire of its international commitments, territorial integrity and the regular functioning of the constitutional authorities, all of which bear on the current situation in Côte d'Ivoire.

These provisions, applied to the current situation in Côte d'Ivoire, provide the constitutional basis for the President of the Republic to take the necessary exceptional measures to give legal force to the Mediator's determination on Article 35, after the required consultation with the Presidents of the National Assembly and the Constitutional Council.

The Constitution is the basic law in any country. The Mediator is firmly of the view that the central task facing the Ivorian people is the resolution of the serious emergency that has torn the people and the country apart, led to the death and displacement of many people, as well as the worsening social and economic crisis.

Taking this into account, the Mediator believes that the immediate and urgent challenge confronting the people of Côte d'Ivoire is the achievement of normality and stability through the reunification of the country, the restoration of the state administration in all parts of the country, and the holding of free and fair Presidential and Legislative Elections.

It is only after all these objectives have been achieved that consideration should be given to effecting such amendments to the Constitution of Côte d'Ivoire as may be thought necessary. Only in this way would it be possible to ensure that the constitution-making process helps to consolidate peace, stability, democracy and national unity.

I request that the necessary measures should be taken as soon as possible to give legal force to the determination I have made, implementing the decision of the leaders of Côte d'Ivoire, as reflected in Paragraph 14 of the Pretoria Agreement.

Please accept the assurance of our fraternal consideration.

(*Signed*) Thabo Mbeki